



INTERIOR BOARD OF INDIAN APPEALS

U.S. Fish Corp. v. Eastern Area Director, Bureau of Indian Affairs

26 IBIA 80 (06/22/1994)

Denying reconsideration of:

20 IBIA 93

20 IBIA 163

Further request for reconsideration:

26 IBIA 117

Related judicial case seeking tort damages:

Dismissed as to United States, and returned to state court as to Seminole Tribe,
U.S. Fish Corp. v. Seminole Tribe of Florida, Inc. and United States,
No. 92-6644-CIV-Highsmith (S.D.Fla. Feb. 19, 1993)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

U.S. FISH CORP.,	:	Order Denying Second Petition
Appellant	:	for Reconsideration
	:	
v.	:	
	:	Docket No. IBIA 91-39-A
EASTERN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 22, 1994

The Board of Indian Appeals (Board) issued a decision in the above case on June 25, 1991. 20 IBIA 93. On August 5, 1991, the Board denied a petition for reconsideration. 20 IBIA 163.

On June 21, 1994, the Board received a document from appellant U.S. Fish Corp. seeking "clarification" of two areas in the Board's decision, and specifically asking three questions. Under the Board's regulations, this document must be treated as a petition for reconsideration.

Reconsideration of Board decisions is governed by 43 CFR 4.315 which states in pertinent part:

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. * * * The petition must be filed with the Board within 30 days from the date of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted.

(b) A party may file only one petition for reconsideration.

Appellant's request must be denied for two reasons: (1) the request for reconsideration was filed more than 30 days from the date of the decision; and (2) it was appellant's second request for reconsideration.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this second request for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge